

REMARKS

Reconsideration and withdrawal of the rejections of the claimed invention is respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-9 and 11-18 are now pending in this application. New claims 11-18 encompass embodiments described in Table 1 and Table 4. No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. THE 35 U.S.C. 112, 2nd PARAGRAPH REJECTION HAS BEEN OVERCOME

Claims 1-10 were rejected as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. The applicants request reconsideration of this rejection for the following reasons.

Claims 1-6 have been amended the “use” claims to U.S.-style method of use type claims and claim 7 has been amended to eliminate the dependency on claim 1.

III. THE 35 U.S.C. 101 REJECTION HAS BEEN OVERCOME

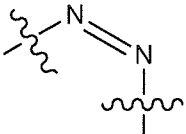
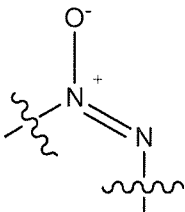
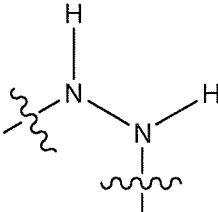
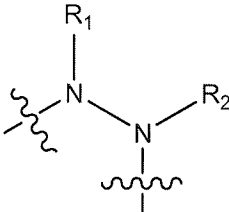
Claims 1-6 were rejected as allegedly lacking enablement for the full scope of the claimed invention. The applicants request reconsideration of this rejection for the following reasons. As noted above, Claims 1-6 have been amended the “use” claims to U.S.-style method of use type claims.

IV. THE 35 U.S.C. 102(b) REJECTION HAS BEEN OVERCOME

Claims 7-9 were rejected as allegedly being anticipated by Hajos et al. (U.S. Patent 4,316,022 - “Hajos”). The applicants request reconsideration of this rejection for the following reasons.

In order to establish anticipation, all of the claim limitations must be taught and describe the applicants' invention in as sufficient detail as presented in the applicants' claims. *See MPEP 2131*. Hajos fails to meet this standard.

Hajos differs from the applicants compounds at least with respect to the triazine ring (see chart below):

Applicants' triazine structure			Hajos
			
A	B	C	

Structures A and B are clearly not taught by Hajos (and is specifically represented by new claims 14 and 18; also new claims 11 and 15 are not encompassed by Hajos).

Hajos refers to R₁ and R₂ with the proviso that one is always different from hydrogen (see e.g. the Abstract), but the starting material to make their compounds can both be hydrogen. However, regardless of the definition of R₁ and R₂ in Hajos, the applicants' original provisos in the compound claims are such that the scope of the claims do not encompass the compounds referred to by Hajos (see explanation below):

(A) 4,5-dihydro-s-triazolo[3,4-c]benzo-as-triazine (see [disclaimer v](#)) i. e. the **starting material for the preparation of compound of example 1**, col. 6, lines 25-26 of the reference, i. e. a compound of formula (I) of the present invention in which

AW is NH-NH,
R¹ to R⁴ each are hydrogen,
X is CH;

(E) 1-methyl-4,5-dihydro-s-triazolo[3,4-c]benzo-as-triazine (see [disclaimer vi](#)) i. e. the **starting material for the preparation of the compound of example 20**, col. 10, lines 33-34 of the reference, i. e. a compound of formula (I) of the present invention in which

AW is NH-NH,
R¹, R³, R⁴ each are hydrogen,
R² is methyl,
X is CH;

Any possible remaining overlap between Hajos and the amended claims do not meet the requirement for presentation in as complete detail as is contained in the claim.

V. THE 35 U.S.C. 103(a) REJECTION HAS BEEN OVERCOME

Claims 7-9 were rejected as allegedly being obvious by Hajos et al. (U.S. Patent 4,316,022 - "Hajos"). The applicants request reconsideration of this rejection for the following reasons.

As all claimed elements were not described in Hajos as noted above in paragraph IV., the claims are also unobvious over Hajos.

There is no basis for the assertion that any possible differences between Hajos and the applicants' claims as originally presented or in their amended form would have been obvious modifications especially when the compounds of the present invention are directed to herbicidal use, i.e. whatever motivation there would have been to modify the compounds of Hajos would have been in the context of providing analgesic, antiphlogistic or narcosis-potentiating effect.

No direction is given for such modifications, i.e. there would have been an infinite number of possibilities for modification which no reason to select the applicants' particular modifications. In addition, there would have been no expectation of success for the modification which would have been consistent with the expected use of Hajos's compounds, i.e. providing analgesic, antiphlogistic or narcosis-potentiating effect.

Therefore, Hajos does not render the applicants' claimed compounds obvious to one of ordinary skill in the art.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
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